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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/763,286	01/26/2004	Alphonse Garcia	02356.0089

CONFIRMATION NO. 9903

Finnegan, Henderson, Farabow  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, DC 20005-3315

RECEIVED: 5/24/04  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.

## FORMALITIES LETTER



\*OC000000012569398\*

## DOCKETING DEPT.

Initials/Date Docketed: sp 5/24/04Type of Resp(s): OE d / Surcharge / Plant / Seq. ListingDue Date(s): 7/7/04

Date Mailed: 05/07/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

## Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

08/30/2004 JBALINAH 00000043 10763286

02 FC:1051  
03 FC:1053

130.00 OP  
130.00 OP

Received in IP Operations	
Date	<u>5/24/04</u>
Tracking #	<u>To DKt 5/24/04</u>
Initials	<u>SAC</u>

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

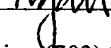
Total additional fee(s) required for this application is \$260 for a Large Entity

- \$130 Late oath or declaration Surcharge.
- \$130 for English translation surcharge required.

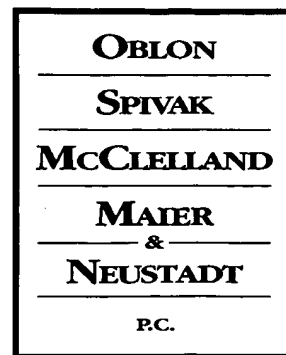
Replies should be mailed to: Mail Stop Missing Parts  
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P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A  
NOTICE TO FILE MISSING  
PARTS OF AN APPLICATION**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

Re: Inventor: Alphonse GARCIA, et al.  
Serial No: 10/763,286  
Filed: January 26, 2004  
For: SYNTHETIC OR NATURAL PEPTIDES BINDING PROTEIN  
PHOSPHATASE 2A, IDENTIFICATION METHOD AND USES

SIR:

Attached hereto for filing are the following papers:

Notice to File Missing Parts - Return Copy  
Filing of Declaration under 37 CFR 1.53(f)  
Declaration and Power of Attorney, 4 pages, Executed  
Appointment of Power of Attorney and Certification under 37 C.F.R. 3.73(b), Executed  
English Translation of Priority Document w/Certification  
Request for Priority; Priority Document (1)  
Submission of Computer-Readable Sequence Listing  
Computer-Readable Sequence Listing (CD)  
Application Data Sheet, 3 pages

Our credit card payment form in the amount of **\$680.00** is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Docket No. 253055US0CONT

Customer Number

**22850**

Tel. (703) 413-3000

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Daniel J. Pereira, Ph.D.

Registration No. 45,518

**Frederick D. Vastine**  
**Registration No. 27,013**

Docket No. 253055US0CONT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Alphonse GARCIA, et al.

SERIAL NUMBER: 10/763,286

ATTN: APPLICATION BRANCH

FILING DATE: January 26, 2004

FOR: SYNTHETIC OR NATURAL PEPTIDES BINDING PROTEIN PHOSPHATASE 2A,  
IDENTIFICATION METHOD AND USES

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the notification dated May 7, 2004 , and in accordance with the provisions of 37 CFR 1.53(f),  
Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application. However, a credit card form is enclosed herewith  
for a surcharge fee of \$130.00 for non-filing in English language.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable  
action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Daniel J. Pereira, Ph.D.  
Registration No. 45,518

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(OSMMN 05/03)